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December 6, 2010

VIA ECF:

Honorable Joanna Seybert
United States District Judge
For the Eastern District of New York
Alfonse M. D'Amato Federal Building
United States District Court
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722

Re: Finkel et al. v. Sea Trucking Co., Inc., et al.
Case No.: 07-CV-4771-JS

Dear Judge Seybert:

This letter requests a pre-motion conference as Defendants will be seeking to move this Court for an additional stay of these proceedings pending resolution of the criminal proceeding USA v Solomine, 07-CR-567. This Court signed an Order today consenting to adjourn sentencing from 12/10/10 to 3/18/11. A copy of the relevant docket entry is attached hereto. Defendants seek to stay the instant civil proceedings until sentencing is complete as Mr. Solimine cannot effectively participate in discovery in this civil proceeding during the pendency of the criminal proceeding. We request a briefing schedule for Defendants' to file a motion to stay these proceedings pending resolution of the criminal proceeding. Defendants further request a stay of discovery in this civil action pending a hearing and determination of the Defendants' motion. The Court had previously agreed to stay the civil action until 12/10/10, which was the prior sentencing date set by this Court.

Last week and today I contacted Plaintiffs' counsel to determine whether Plaintiffs consent to the stay of this civil action until March 2011. Plaintiffs' counsel indicated she needed a short time to check with her client and get back to me. No prejudice to any party results from the stay and denial of the stay would severely prejudice defendants as Mr. Solimine, to protect his Fifth Amendment rights and the posture of the criminal proceeding, would not be able to participate in any discovery in this civil action.

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Thank you for the Court's kind attention to this matter. Please notify this office of the Court's decision.

Sincerely,

TRIVELLA & FORTE, LLP

/s/Christopher A. Smith

Christopher A. Smith

CAS/ac

Enclosure: Page 21 of Court docket in USA v Solomine, 07-CR-567.

cc: Elizabeth O'Leary, Esq. (Attorneys for the Plaintiffs) (via electronic mail and facsimile)

07/21/2010		ORDER granting 134 Motion to Continue as to Eston Clare (2). Ordered by Judge Joanna Seybert on 7/21/2010. (Baran, Charles) (Entered: 07/21/2010)
07/21/2010		Set/Reset Hearings as to Eston Clare (2): Sentencing set for 10/15/2010 at 2:00pm in Courtroom 1030 before Judge Joanna Seybert. (Baran, Charles) (Entered: 07/21/2010)
09/08/2010	135	MOTION to Modify Conditions of Release by Eston Clare. (Merolesi, Marc) (Entered: 09/08/2010)
09/08/2010		ORDER granting 135 Motion to Modify Conditions of Release as to Eston Clare (2), to allow travel as specified. Ordered by Judge Joanna Seybert on 9/8/2010. hard copy to Pretrial Services by interoffice mail (Baran, Charles) (Entered: 09/08/2010)
09/20/2010	136	Letter <i>requesting adjournment of sentence</i> as to Tonino Solimine (LaRusso, Robert) (Entered: 09/20/2010)
09/27/2010		ORDER as to Tonino Solimine (1) GRANTING 136 Letter Application. Sentencing set for 12/10/2010 at 11:00am in Courtroom 1030 before Judge Joanna Seybert. Ordered by Judge Joanna Seybert on 9/27/2010. (Baran, Charles) (Entered: 09/27/2010)
09/28/2010	137	MOTION to Continue by Eston Clare. (Merolesi, Marc) (Entered: 09/28/2010)
09/28/2010		ORDER granting 137 Motion to Continue as to Eston Clare (2). Ordered by Judge Joanna Seybert on 9/28/2010. (Baran, Charles) (Entered: 09/28/2010)
10/07/2010	138	MOTION to Modify Conditions of Release by Eston Clare. (Merolesi, Marc) (Entered: 10/07/2010)
10/08/2010		ORDER granting 138 Motion to Modify Conditions of Release as to Eston Clare (2), to allow travel as specified. Ordered by Judge Joanna Seybert on 10/8/2010. (Baran, Charles) hard copy to Pretrial Services by interoffice mail (Entered: 10/08/2010)
11/10/2010	139	MOTION to Modify Conditions of Release by Eston Clare. (Merolesi, Marc) (Entered: 11/10/2010)
11/15/2010	140	ORDER granting 139 Motion to Modify Conditions of Release as to Eston Clare (2). Application GRANTED. Signed by Judge Joanna Seybert on 11/15/10. C/ECF; Certified copy of Order forwarded to Financial Office, Brooklyn and Carol McMahon, Central Islip. (Valle, Christine) (Entered: 11/19/2010)
12/02/2010	141	Letter <i>requesting adjournment of sentence</i> as to Tonino Solimine (LaRusso, Robert) (Entered: 12/02/2010)
12/06/2010		ORDER as to Tonino Solimine (1) GRANTING 141 Letter Application. Sentencing set for 3/18/2011 at 11:30am in Courtroom 1030 before Judge Joanna Seybert. Ordered by Judge Joanna Seybert on 12/6/2010. (Baran, Charles) (Entered: 12/06/2010)

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